C O N F I D E N T I A L

06 January 1998

MEMORANDUM FOR THE RECORD

TO: Barry Harrelson
OIM/HRG

FROM: Jerry Owens (C)
OIG/IMO

SUBJECT: (AIUO) Inadvertent Destruction of Records

REF: (U) Telecon dated 06 January 1998

1. (U) Per your request, attached is a memorandum written to the Office of the Inspector Generals (OIG), Deputy and Associate Deputy IG for Investigations. The attached memorandum was also reviewed by OIG/Counsel. It explains in some detail the events we discussed in referenced telephone conversation.

2. (AIUO) It is understood by me, the undersigned, that no further action from the Inspector Generals office is required, and that this matter may be considered closed. The Office of Information Management/Historical Review Group (OIM/HRG) will notify the Assassination Review Board (ARB) and file a copy of this memorandum in HRG files to refer to when writing the compliance letter to the ARB.

3. (AIUO) It is also understood that original documents are not required when material is requested for or being added to the sequestered collection, and that copies of the material which were inadvertently destroyed were previously provided to the HSAC and ARB (or special task force) before their destruction in 1995.

4. (AIUO) With the assistance of HRG, the OIG/IMO has been able to reconstruct the file and will maintain it as a permanent record, also adding a copy of the attached to that file.

CL BY 0680987
CL REASON: 1.5(c)
DECL ON: X-1
DRV fm COV 1-82

C O N F I D E N T I A L

SUBJECT: (AIUO) Inadvertent Destruction of Records

5. (AIUO) Your assistance in this matter is greatly appreciated. If you have any further questions regarding this matter, please call me on secure X77081. Thank you.

Jerry N. Owens (C)

cc: D/IG/INV w/o att
AD/IG/INV w/o att
IG/Counsel w/o att
OIG/IMO w/att
DCI/IMO w/o att

CONFIDENTIAL

26 November 1997

TO: Rick Cinquegrana, D/IG/INV
Judy Sholes, AD/IG/INV

FROM: Jerry Owens (C), OIG/IMO

SUBJECT: (AIUO) Possible Illegal Destruction of Records

1. (AIUO) The OIG/IMO received a request from the AD/IG/INV to search for records needed to verify certain nominees. During the course of this search, the IMO discovered what appeared to be the inadvertent destruction of permanent OIG records.

2. (AIUO) The records, cases from 1977, were retired in 1980. See exhibit A for a copy of the original records retirement request.

3. (C) When form 140 (exhibit A) was approved by the Agency Archives and Records Center (AARC) and returned with a job number (80-01770R), the records were prepared in folders, placed in boxes, and a shelflist was created (see exhibit B for shelflist).

4. (AIUO) Please take notice of the highlighted portion of the shelflist that claims the records disposition as 'permanent'. This along with the use of the terminology 'case no.', led me to believe these were permanent records.

5. (AIUO) Exhibit C is a completed request (form 141b) from AARC for authority to destroy these records. All of the records except those listed on a handwritten note (exhibit D) attached to form 141b were destroyed.

6. (AIUO) At this point, I referred to the original form 140 (exhibit A) to determine what Records Control Schedule (RCS) and Item Number was used to retire these records in 1980. I ordered a copy of the old RCS 07-76 and checked the disposition of item number '3b' (see highlighted section of exhibit E). The disposition does allow for the lawful destruction of these temporary records.

CL BY 0680987
CL REASON: 1.5(c)
DECL ON: X-1
DRV fm COV 1-82

CONFIDENTIAL

SUBJECT: (AIUO) Possible Illegal Destruction of Records

7. (AIUO) I then noticed that the destruction authorization form 141b (exhibit C) listed the RCS as 10-84 and the Item Number as 29B. Referring to the newer version of the RCS I found that this schedule and item number also allow for the lawful destruction of these temporary records. Please see the highlighted text of exhibit F.

8. (AIUO) At this juncture, I reviewed the material and noticed a note on exhibit D that stated, "IG 37/77 Lonnquist (Kennedy Assassination) destroyed on 5/1/95 by S.K.".

9. (AIUO) Please see the attached JFK Assassination Act (exhibit G), para (a)(1) thru (6). In short, this law was enacted in 1992 and these records were destroyed in 1995. The fact the records were scheduled as temporary and then destroyed according to Agency regulations does not override Public Law 102-526, the JFK Assassination Act.

10. (AIUO) I found three entries in Textware on Lonnquist. Two pertain to nothing of interest in this case; however the third entry states, "allegations regarding the Lee Harvey Oswald file" (see the highlighted text of exhibit H).

11. (AIUO) In May 1997, I told the JFK Assassination Review Board (ARB), in an informal hearing, that OIG had no knowledge or record of any JFK records under OIG's perview being destroyed. This was during discussions at the table, and not one of the listed questions for the OIG/IMO to answer.

12. (AIUO) My plan is to contact the DCI/IMO, enlist his assistance in notifying the National Archives and Records Administration (NARA) and the ARB that records pertaining to the JFK Assassination were inadvertently destroyed and explain in detail the events surrounding the discovery and what steps have been taken to prevent this from happening again.

13. (AIUO) I personally doubt that there was anything of value to the ARB in the Lonnquist case file, but because LHO is referenced it is considered a JFK ARB file, and by law I have to report its destruction to NARA and the ARB.

SUBJECT: (AIUO) Possible Illegal Destruction of Records

14. (AIUO) Any adjudicative action against me or the Agency will be the decision of the ARB.

Jerry N. Owens (C)

Distribution:

Orig - addressees

1 cy - IMO File

Exhibit A

13-00000

KMO

☐ UNCLASSIFIED ☐ CONFIDENTIAL ☒ SECRET

RECORDS RETIREMENT REQUEST	JOB NO. ASSIGNED BY RECORDS CENTER: 80-01770R
Submit original and 4 copies to Records Center. Two copies will be returned to the originating office. Additional copies may be prepared as indicated by your RAO.	*For Reference Service on Records Transferred to Storage Complete Form 490 and Refer to Above Job Number.*

PART I (*TO BE COMPLETED BY THE RECORDS CUSTODIAN*)

TO:	FROM: (Office) DIV/BRANCH/SECTION	DATE
CHIEF, AGENCY RECORDS CENTER	DCI/ OIG	20 November 1980
	ROOM 6E19 BUILDING Hqs EXTENSION 5733	SIGNATURE OF RECORDS CUSTODIAN: Barbara Baskerville

APPLICATION IS MADE FOR RETIREMENT OF THE RECORDS DESCRIBED BELOW

DESCRIPTION OF FILE SERIES (*Use description in Records Control Schedule and inclusive dates.*) IF NECESSARY TO LIST RECORDS. USE FORM NO. 140A. RECORDS SHELF LIST (*Check appropriate box below.*)

Individual Case Files- Consists of documents accumulated in investigating complaints, suggestions, or problems of individuals which are brought to the attention of the IG. Filed numerically by case number. Potential cases filed alphabetically.

(1 Jan77 thru 31 Dan77) Case No. 1/77 thru 167/77
Case No. 81/76 and GG 69/78

☐ SHELF LIST ATTACHED ☐ SHELF LIST INCLUDED IN TRANSFER

SCHEDULE NO.	ITEM(S) NO.	CLASSIFICATION/CODEWORD OF RECORDS
07-76	3 B	Through SECRET

PART II (*TO BE COMPLETED BY THE RECORDS MANAGEMENT OFFICER*)

RESTRICTIONS ON USE OF RECORDS (*If no restrictions write "None"*)

IG ONLY

DATE	SIGNATURE RECORDS MANAGEMENT OFFICER
20 November 1980	Barbara Baskerville

PART III A (*TO BE COMPLETED BY RECORDS CENTER*)

INSTRUCTION: *Use Job and Box Numbers for reference until records are processed into archival arrangement.*

DISPOSITION OF THE RECORDS DESCRIBED HEREON HAS BEEN MADE AS FOLLOWS:

AUTHORIZATION:

WHOLE JOB DISPOSITION	PARTIAL JOB DISPOSITION
☐ DESTROYED	☐ DESTROYED-BOX NOS.
☐ TRANSFERRED TO:	☐ TRANSFERRED-BOX NOS. TO:
	☐ SEE ATTACHMENT(S) ☐ SEE REMARKS ON BACK

DATE	DISPOSITION JOB NO.	SIGNATURE CHIEF, DISPOSITION, AGENCY RECORDS CENTER

PART III B (*TO BE COMPLETED BY ARCHIVES*)

INSTRUCTION: *Refer to records by subject and date after records have been processed into archival arrangement.*

PROCESSED INTO ARCHIVAL ARRANGEMENT	SIGNATURE (*Chief, Agency Archives*)

140 USE PREVIOUS EDITIONS ☐ SECRET ☐ CONFIDENTIAL ☐ UNCLASSIFIED (13-46)

E-2, IMPDET CL. BY:

UDCF Rev 10 YRS

13-00000

☐ UNCLASSIFIED ☐ CONFIDENTIAL ☐ SECRET

PART III C (*TO BE COMPLETED BY THE RECORDS CENTER*) (*CONTINUED*)

REFERENCE ACTIVITY

YEAR	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	TOTAL

STORAGE LOCATION

JOB NO.	AREA	ROW	SPACE
IG 80-01770R	IG ONLY		

FOLD HERE

DISPOSAL ACTIVITY

OFFICE	DIVISION	BRANCH	SECTION	DISPOSAL DATE
80-01770R IG				[redacted]

AUTHORITY FOR DISPOSAL

SCHEDULE NO. (*or List*)	PAGE	ITEM
776		3B

REMARKS

RECEIPT PROCESSING

CUBIC FEET	NO. OF CONTAINERS	TYPE OF CONTAINERS	DATE RECEIVED	RECEIVED BY
6	6	RC	13 Jan 1981	EULIS J. SMITH

☐ SECRET ☐ CONFIDENTIAL ☐ UNCLASSIFIED

Exhibit B

13-00000

UNCL[illegible]IED

REPORT NO. R20A0601 ARCHIVES RECORDS CENTER SHELF LIST — AS OF 810812

JOB NO.	RCS	OPI	DIV	BRANCH	SECTION	[redacted]	CLASS	CLASS-BY	US
80-01770R	07-76	07	DCI	OIG		[redacted]	U		0

BOX	FLD	ITEM	RES	FILE NO.	MED	FOLDER TITLE	ST DTE	END DTE	FS
0001	001	003B	Y			CASE NO. 1/77-23-35/77	010177	311277	0
0002	001	003B	Y			CASE NO. 36/77-41/77; 43-55/77 VOL. I-VOL. III PART 3	010177	311277	0
0003	001	003B	Y			CASE NO. 55/77 VOL. III PART 4-VOL. III PT. 7 THRU 84/77	010177	311277	0
0004	001	003B	Y			CASE NO. 85/77 THRU 121/77 AND CASE NO. 69/78 (9 ENVELOPES)	010177	311277	0
0005	001	003B	Y			CASE NO. 122/77; 123/77; 126/77 THRU 160/77	010177	311277	0
~~0006~~	~~001~~	~~003B~~	~~Y~~			~~CASE NO. 161/77 THRU 167/77, POTENTIAL CASES-A-Z~~	010177	311277	0

UNCLASSIFIED — PAGE NO. 0001

cord Center will only ...d back ENTIRE BOX -- Cannot pull by specific case #.

25 JUL 1984 Pls note Box 5 does not contain 126/77 thru 160/77 consecutively.

Following must be filed elsewhere:

141/77

148/77

149/77

151/77

153/77

157/77

158/77

Moore, Edwin G II
Destroyed file
S Kessler 3/1/95

80-1770 R

Exhibit C

13-00000

RETURN ORIGINAL AND 1 COPY TO AARC

REQUEST FOR AUTHORIZATION TO DESTROY RECORDS IN AARC

1. DISPOSITION JOB NO. (Assigned by AARC): 93-D-26

TO : Archives and Records Center, ISAS/DDA

THRU: Component Records Management Officer

FROM: Archives and Records Center, ISAS/DDA

2. DATE PREPARED: 1-28-91

THE RECORDS IDENTIFIED BELOW ARE SCHEDULED FOR IMMEDIATE DESTRUCTION. AUTHORIZATION IS REQUESTED TO DESTROY THE RECORDS AS SCHEDULED. IF AUTHORIZATION IS DENIED, REVISED DISPOSITION INSTRUCTIONS MUST BE PROVIDED TO RECORDS ADMINISTRATION BRANCH, ISAS.

IDENTIFICATION OF RECORDS

3. OFFICE	4. SCHEDULE NO.	5. ITEM NUMBERS	6. ACCESSION JOB NOS.	7. BOX NUMBERS
DCI/OIG OPI # 7	10-84	29B	80-1770R	Boxes 1-6 6 cu. ft

8. REMARKS

Job Due for Destruction 1 Feb 1991

☐ CONTINUED ON SEPARATE PAGE

AUTHORIZATION TO DESTROY RECORDS

		EXTENSION	DATE
RETAIN ALL ¹ / RETAIN PARTIAL ¹·²	9. TYPED NAME AND SIGNATURE OF CUSTODIAN OF RECORDS: Kathy R. Lederer (signature) Kathy R. Lederer	75565	12/4/92
QUESTIONABLE ³ / X DESTROY ALL	10. TYPED NAME AND SIGNATURE OF COMPONENT RECORDS MANAGEMENT OFFICER: Kathy R. Lederer (signature) Kathy R. Lederer	75565	12/4/92

1 RMO ATTACH COPY OF FORM 140, RECORDS RETIREMENT REQUEST, AND PROVIDE JUSTIFICATION FOR CONTINUED RETENTION OF RECORDS UNDER SECTION 8 ABOVE. ALSO PROVIDE PROPOSED NEW DISPOSITION INSTRUCTIONS. FORWARD TO RAB THRU DIRECTORATE RMO.

2 RMO ATTACH COPY OF FORM 140A, SHELF LIST, ANNOTATED TO SHOW WHICH RECORDS ARE TO BE RETAINED. IF FORM 140A IS NOT AVAILABLE PROVIDE DETAILED DESCRIPTION, BY BOX AND FOLDER NUMBER, OF THE RECORDS TO BE RETAINED. RECORDS NOT INDICATED FOR RETENTION ARE AUTHORIZED FOR IMMEDIATE DESTRUCTION.

3 RMO PREPARE FORM 141C, REQUEST FOR AUTHORIZATION TO RETAIN OR DESTROY QUESTIONABLE RECORDS, FOR RECORDS THAT MAY BE SUBJECT TO ACTUAL OR IMPENDING LEGAL OR INVESTIGATIVE REQUIREMENTS. FORWARD WITH THIS FORM TO RAB THROUGH DIRECTORATE RMO.

FOR AARC USE ONLY

DESTROYED (circled)	TRANSFERRED	
PARTIAL JOB (Box Nos.)	PARTIAL JOB (Box Nos.)	TO: PER 141B CP/IMO
✓ COMPLETE JOB	COMPLETE JOB	

REMARKS

NO BOXES REMAIN AT RECORDS CENTER

(signature) — CHIEF, DISPOSITION SECTION — 1/5/93 DATE

FORM 9-77 141b

Exhibit D

13-00000

16 Sept 92

Kathy

Job # 80-01770R has been reviewed for destruction of 10 year old + older info. The following cases have been removed + should be noted on the retirement listing as having been pulled from the job + held in OIG until they are removed from the OGC Retention list:

IG	167/77		Box 6 Kovich
IG	50/77		Golitsyn
IG	No #		Agee (A-C) file
IG	No #	Destroyed 5/1/95 SK	Moore (M-) file
IG	6/77	Destroyed SK	Horne
~~IG~~	37/77	Destroyed 5/1/95	Lonnquist (Kennedy Assassination)

If you have any questions let me know

Susan Kessler

Exhibit E

13-00000

RECORDS CONTROL SCHEDULE	CLASSIFICATION	OLD SCHEDULE NO(S).	REVISED SCHEDULE NO.
	SECRET	12.03-75(OIG portion)	07-76
OFFICE, DIVISION, BRANCH Office of the Inspector General		DATE(S) OF OLD SCHEDULE(S) 16 April 1975	DATE OF CONCURRENCE
TYPE CONCURRENCE OFFICER'S NAME AND TITLE		CONCURRENCE	

OLD SCHEDULE AND ITEM NO(S).	NEW ITEM NO.	FILES IDENTIFICATION (*TITLE, DESCRIPTION, ARRANGEMENT, AND INCLUSIVE DATES*)	VOLUME (*CU. FT.*)	DISPOSITION INSTRUCTIONS
1	1	SUBJECT FILE		
	a.	Program Subjects Record copies of substantive correspondence, reports, memoranda and other papers reflecting policy, procedures and decisions pertaining to the functions assigned to the Inspector General. Filed by subject.		a. Permanent. Cut off annually; hold for one year and then transfer to the Agency Records Center records no longer needed for current reference.
	b.	Transitory material and administrative ~~material~~ subjects. (NonRecord)		b. Temporary. Destroy when one year old.
2	2	SURVEY REPORTS Record copies of reports and related data of inspections conducted by the Staff and recommendations for improvements on proper assignment of functions and missions, methods and procedures of performance by components, or other areas where surveys are deemed necessary. Filed by Agency component. Discontinued in June 1973 and resumed in October 1975.		Permanent. Hold one year then transfer to the Agency Records Center in annual blocks.
3	3	EMPLOYEE GRIEVANCE FOLDERS AND INDEX Record copies of data from employees coming to the IG with grievance regarding nature of grievance, circumstance that caused grievance and how settled. Used to investigate grievance to its conclusion. Also used to refer or provide information in response to or by direction of a court order, or where there is an indication of a violation or potential violation of law whether civil, criminal, or regulatory in nature, to the appropriate agency charged with the		CL BY 0371104 DECL OADR WARNING NOTICE INTELLIGENCE SOURCES OR METHODS INVOLVED This document is classified Secret in the aggregate.

SECRET

OLD SCHEDULE AND ITEM NO(S).	NEW ITEM NO.	FILES IDENTIFICATION	CLASSIFICATION	VOLUME	DISPOSITION INSTRUCTIONS
		responsibility of investigation or prosecuting such violation or charged with enforcing or implementating a statute or law, regulation or order issued pursuant thereto. Storage: paper. Retrievable: By case number.			
	a.	Record copy of closed cases involving litigation or those establishing precedence of policy.			a. Permanent. Transfer closed case file to the Agency Records Center.
	b.	Record copies of close routine cases with no substantive retention value.			b. Temporary. Transfer inactive cases to the Agency Records Center for 10 years and return to custodian for review. Any cases selected for further retention shall be deposited to the Center under Item 3a of this schedule. Destroy those no longer needed.
	c.	Index - Record Copy.			c. Permanent. Destroy index cards when destroying temporary closed case files. Transfer remaining index to Agency Records Center when function is discontinued.
	d.	Log - Record copy for assigning file system case numbers. (1953 through 1967 numbered sequentially. From 1968 to present numbering changed to start over each year with the Number 1/ and the year (1/76). (Published in the Federal Register, Notification of Systems of Records, Privacy Act of 1974. The Federal Register must be amended if this system is changed or discontinued.)			Permanent. Transfer to Agency Records Center when function is discontinued.

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OLD SCHEDULE AND ITEM NO(S).	NEW ITEM NO.	FILES IDENTIFICATION	VOLUME	DISPOSITION INSTRUCTIONS
5	4	SPECIAL STUDIES Record copies of reports and evaluation following investigations and studies of various Agency programs as Career Service, CT Program, etc. Filed by subject.		Permanent. Transfer to the Agency Records Center at end of each year or when no longer needed.
6	5	WORKING FILES Duplicates and working drafts of surveys and material related to investigation or survey. Each staff member maintains own files. (Non-Record)		Temporary. Destroy 6 months after survey completed.
7	6	CLASSIFIED INFORMATION ACCOUNTING AND CONTROL RECORDS		
	a.	Top Secret Log (Form 312)		a. Temporary. Destroy 5 years after documents downgraded, transferred out of control point or destroyed. (GRS 18-6a)
	b.	Log maintained chronologically on Secret and below documents (Form 238)		b. Temporary. Destroy after two years. (GRS 18-5)
	c.	Log used for recording receipt and disposition of official personnel files referred to staff for review.		c. Temporary. Destroy quarterly after folders returned to sender.
	d.	Document Receipts. Retain signed copies of material transmitted outside the office. (Form 615)		d. Temporary. Destroy after 2 years. (GRS 18-3)
	e.	Courier Receipts. Office copy of receipts signed by courier when material picked up for delivery. (Form 240). (OL is the Office of Record.) (Non-Record)		e. Temporary. Destroy when 3 months old.

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OLD SCHEDULE AND ITEM NO(S).	NEW ITEM NO.	FILES IDENTIFICATION	CLASSIFICATION SECRET	VOLUME	DISPOSITION INSTRUCTIONS
8	7	ADMINISTRATIVE HOUSEKEEPING FILES			
	a.	Duplicates and non-record copies of forms, correspondence and memoranda reflecting administrative support functions within the Office of the IG. File used for administrative purposes and internal housekeeping functions. The Admin Office of the DCI is primarily responsible for administrative support to the IG Office. Filed by Subject. (Non-Record)			a. Temporary. Review file at end of each year and destroy material having no current value.
	b.	Personnel soft files. Duplicate copies of records held by the Admin Office of the DCI and the Official File in OP. Used for internal administrative personnel management of staff members. (This soft file will be screened and incorporated, as appropriate, into the OP Official file or the DCI/Admin Office soft personnel file, either upon reassignment of the individual subject of the file or separation from the Agency. Disposition of each of those files shall be in accordance with the approved Records Control Schedule of those offices.) (DCI/Admin Office is responsible for DCI area personnel soft files as published in the Federal Register.)			b. Temporary. Destroy records that are duplicated in both the OP Official file and the DCI/Admin Office soft file. Transfer immediately pertinent information to the OP file and remaining information to the DCI/Admin soft file.
10	8	IG CORRESPONDENCE FILE Record copies of outgoing correspondence prepared by the IG covering decisions and matters that are not completely duplicated in the permanent Subject Files.			Permanent. Transfer to the Agency Records Center at the end of the current IG's tour of duty.

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OLD SCHEDULE AND ITEM NO(S).	NEW ITEM NO.	FILES IDENTIFICATION	VOLUME	DISPOSITION INSTRUCTIONS
11	9	REGULATIONS FILES Duplicate copies of all Agency Regulations and Notices used for reference. (Regulations Control Branch is the Office of Record.) (Non-Record)		Temporary. Destroy when obsolete, superseded, or no longer needed. Return empty binders to Regulations Control Branch.
NEW	10	INSPECTOR GENERAL RESEARCH RECORDS AND INDEX Record copies on Agency personnel and other individuals whose names appear in documents assembled primarily from other Agency records systems by the IG in relation to an Executive commission and Legislative committee reviews of Agency activities conducted between 1972 and 1976 and CIA documents that are pertinent thereto. Used by Agency officials for reference use in connection with Executive and Legislative reviews of Agency activities. Storage: paper. Retrievability: Name or subject. (Published in the Federal Register, Notification of Systems of Records, Privacy Act of 1974. The Federal Register must be amended if this system changed or discontinued.)		Permanent. Transfer to the Agency Records Center when no longer needed.
NEW	11	FOI RECORD COPIES - SANITIZED VERSION AND JUSTIFICATION(S) Record copies of the final sanitized version and justification(s) for denying portion not released. These are created in reply to FOI requests to disclose information. They are filed with the full text record to provide background for appeals, judicial action, and future requests for the same record. IPS case file copies are only temporary request processing records. (Custodian is the Office of Record.)		Record copies assume the disposition of the full text document. Destroy sanitized version and applicable justification(s) if full text is subsequently disclosed in its entirety or after superseded by new expanded version and justification. (GRS 14-9b)

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Exhibit F

OLD SCHEDULE AND ITEM NO(S).	NEW ITEM NO.	FILES IDENTIFICATION	CLASSIFICATION SECRET	VOLUME	DISPOSITION INSTRUCTIONS
	27	b. Emergency planning reports files. Agency reports of operations tests, consisting of consolidated or comprehensive reports reflecting Agency-wide results of tests conducted under emergency plans. (1980 to present)		32/30	PERMANENT. Cut off at end of each calendar year, hold in current files area for 2 years, then transfer to AARC. (Deviates from GRS 18-30)
8-76 Item 3a	28	CIA Legislation Files. Consist of Agency legislation prior to its enactment into law. Proposed amendments to Agency Bills, background information and other related material. Serves as a reference to new and proposed legislation affecting the Agency. Filed numerically by category. (1961 to present)		60/12	PERMANENT. When bill is enacted into law, screen and destroy duplicates and transitory material, then transfer remainder to AARC.
	29	Employee Grievance Files (IG). RECORDS SERIES DISCONTINUED JAN. 1993 SEE RECORDS CONTROL SCHEDULE 00-84, ITEM 9.			ITEM 29 DISCONTINUED JAN. 93. NEW SYSTEM OF RECORDS ESTABLISHED PER HR 7R 7-6. CHANGE 1, RCS 10-84, APRIL 1993. APPROVED: Charles W. Cooper 7/29/93 (Chief, IMB/PRD) Date

SCHEDULE ITEM NO(S).	NEW ITEM NO.	FILES IDENTIFICATION	CLASSIFICATION SECRET	VOLUME	DISPOSITION INSTRUCTIONS
NEW		j. Financial Disclosure Reports including Form 2630, for individuals filing according to Executive Order 11222. (OP/SIS maintains and is the office of record for SF 278.)			TEMPORARY. Destroy when 6 years old or no longer needed in an ongoing investigation, whichever is later. (Complies with GRS 1-25a(2)) Item 9j--Approved: Eldon Hatch, 6Oct86 C/IRMD/OIS (DATE)
NEW		k. Time and Attendance Reports including reports from ELECTAS, ETAR, etc. Copies held at component level by T&A clerks.			TEMPORARY. Destroy ~~3~~ 6 years after cutoff. Cut off at end of calendar year, hold for ~~3~~ 6 years, then destroy (Complies with GRS 2, Item 3a). Item 9k added to clarify disposition RCS 00-84, Change 4, June 1991. APPROVED: George D. Darnell 7Jun91 (Chief, IMD/OIT) (DATE) updated/changed 3/13/97 @ OT: 16.43 per Mike Nicewarner, T&A records disposition is 6 yrs now.
10-84 Item 29 and New		[redacted] Records [redacted]sed by employees, except EEO complaints. These case files include employee "Grievance Record" which initiates the grievance and states the nature of grievance, statement of witnesses, circumstances that caused grievance, reports of interviews and hearings examiner's findings and recommendations, employee withdrawal, and final resolution of grievance, (may include Forms 4437, 4437a & b, 4438, 4439, and 4440). filed by employee name. (published in the <u>Federal Register</u>, CIA-15, Notification of Systems of Records, Privacy Act of 1974. The <u>Federal Register</u> must be amended if this system is changed or discontinued.			

OLD ITEM NO(S).	NEW ITEM NO.	FILES IDENTIFICATION	CLASSIFICATION SECRET	VOLUME	DISPOSITION INSTRUCTIONS
		(1) Component files			
		(a) Grievance files closed at component level.			TEMPORARY: Destroy 7 years after case is closed. Cutoff closed cases at end of calendar year, hold 7 years, then destroy.
		(b) Grievances that are not resolved resolved at component level.			TEMPORARY: Transfer complete case file to Directorate Grievance Officer (Item b(1) below).
		(c) Quarterly statistics summary forwarded to Directorate Grievance Officer.			TEMPORARY: Destroy 7 years after closed. Cutoff at end of calendar year, hold 7 years, then destroy.
		(2) Directorate Grievance Officers files.			
		(a) Grievances initiated at Directorate level or files received from components. (Item 1(b) above).			
		(b) Grievances closed at Directorate level.			TEMPORARY: Destroy 7 years case is closed. Cutoff closed cases of claendar year, hold 7 years, then destroy.
		(c) Grievances that are not resolved at Directorate			TEMPORARY: Transfer complete case file to IG (Item 3(a) below).
		(d) Quarterly statistics summary forwarded to IG.			TEMPORARY: Destroy 7 years after closed. Cutoff at end of calendar year, hold 7 years, then destroy.
		(3) Grievance files maintained by IG			
		(a) Grievances initiated at IG level or files received from Directorate Grievance Officer.			

Request this change – 7/11/96

SCHEDULE NO(S).	NEW ITEM NO.	FILES IDENTIFICATION	CLASSIFICATION SECRET	VOLUME	DISPOSITION INSTRUCTIONS
		(1) Closed cases not involving [redacted]			~~TEMPORARY: Destroy 7 years after case is closed. Cutoff closed cases at end of calendar year, hold 7 years, then destroy.~~ Transfer to NARC after 2 yrs. then destroy after remaining 5 yrs.
		(2) Closed cases involving litigation.			TEMPORARY: Destroy 7 years after case is closed. Cutoff closed cases at end of calendar year, hold 7 years, then destroy.
		(b) Statistical summaries			TEMPORARY: Destroy 7 years after closed. Cutoff at end of calendar year, hold 7 years, then destroy. Item 91 added new RCS 00-84 Change 5, April 1993 Approved: Charles W. Cooper (Chief/IMB/PRD) (Date)
	10	<u>Training Files.</u> Material on various training programs and courses conducted or sponsored by component, OTE, other Agency components, or external organizations. Course descriptions, outlines or lesson plans, schedules, announcements, applications and authorizations, student rosters, evaluations, correspondence, training aids, and other supporting material, including official individual training records.			
		a. Internal training. Duplicates of information pertaining to internal Agency-sponsored training programs and courses. (Office of Training and Education is the office of record.)			TEMPORARY. Destroy when superseded or obsolete.

Exhibit G

13-00000

JFK ASSASSINATION ACT

Public Law 102-526
102d Congress

An Act

To provide for the expeditious disclosure of records relevant to the assassination of President John F. Kennedy.

Oct. 26, 1992
[S. 3006]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

President John F. Kennedy Assassination Records Collection Act of 1992.
44 USC 2107 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "President John F. Kennedy Assassination Records Collection Act of 1992".

44 USC 2107 note.

SEC. 2. FINDINGS, DECLARATIONS, AND PURPOSES.

(a) FINDINGS AND DECLARATIONS.—The Congress finds and declares that—

(1) all Government records related to the assassination of President John F. Kennedy should be preserved for historical and governmental purposes;

(2) all Government records concerning the assassination of President John F. Kennedy should carry a presumption of immediate disclosure, and all records should be eventually disclosed to enable the public to become fully informed about the history surrounding the assassination;

(3) legislation is necessary to create an enforceable, independent, and accountable process for the public disclosure of such records;

(4) legislation is necessary because congressional records related to the assassination of President John F. Kennedy would not otherwise be subject to public disclosure until at least the year 2029;

(5) legislation is necessary because the Freedom of Information Act, as implemented by the executive branch, has prevented the timely public disclosure of records relating to the assassination of President John F. Kennedy;

(6) legislation is necessary because Executive Order No. 12356, entitled "National Security Information" has eliminated the declassification and downgrading schedules relating to classified information across government and has prevented the timely public disclosure of records relating to the assassination of President John F. Kennedy; and

(7) most of the records related to the assassination of President John F. Kennedy are almost 30 years old, and only in the rarest cases is there any legitimate need for continued protection of such records.

(b) PURPOSES.—The purposes of this Act are—

(1) to provide for the creation of the President John F. Kennedy Assassination Records Collection at the National Archives and Records Administration; and

(2) to require the expeditious public transmission to the Archivist and public disclosure of such records.

44 USC 2107 note.

SEC. 3. DEFINITIONS.

In this Act:

(1) "Archivist" means the Archivist of the United States.

(2) "Assassination record" means a record that is related to the assassination of President John F. Kennedy, that was created or made available for use by, obtained by, or otherwise came into the possession of—

(A) the Commission to Investigate the Assassination of President John F. Kennedy (the "Warren Commission");

(B) the Commission on Central Intelligence Agency Activities Within the United States (the "Rockefeller Commission");

(C) the Senate Select Committee to Study Governmental Operations with Respect to Intelligence Activities (the "Church Committee");

(D) the Select Committee on Intelligence (the "Pike Committee") of the House of Representatives;

(E) the Select Committee on Assassinations (the "House Assassinations Committee") of the House of Representatives;

(F) the Library of Congress;

(G) the National Archives and Records Administration;

(H) any Presidential library;

(I) any Executive agency;

(J) any independent agency;

(K) any other office of the Federal Government; and

(L) any State or local law enforcement office that provided support or assistance or performed work in connection with a Federal inquiry into the assassination of President John F. Kennedy,

but does not include the autopsy records donated by the Kennedy family to the National Archives pursuant to a deed of gift regulating access to those records, or copies and reproductions made from such records.

(3) "Collection" means the President John F. Kennedy Assassination Records Collection established under section 4.

(4) "Executive agency" means an Executive agency as defined in subsection 552(f) of title 5, United States Code, and includes any Executive department, military department, Government corporation, Government controlled corporation, or other establishment in the executive branch of the Government, including the Executive Office of the President, or any independent regulatory agency.

(5) "Government office" means any office of the Federal Government that has possession or control of assassination records, including—

(A) the House Committee on Administration with regard to the Select Committee on Assassinations of the records of the House of Representatives;

(B) the Select Committee on Intelligence of the Senate with regard to records of the Senate Select Committee to Study Governmental Operations with Respect to Intelligence Activities and other asssassination records;

(C) the Library of Congress;

(D) the National Archives as custodian of assassination records that it has obtained or possesses, including the Commission to Investigate the Assassination of President

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John F. Kennedy and the Commission on Central Intelligence Agency Activities in the United States; and

(E) any other executive branch office or agency, and any independent agency.

(6) "Identification aid" means the written description prepared for each record as required in section 4.

(7) "National Archives" means the National Archives and Records Administration and all components thereof, including Presidential archival depositories established under section 2112 of title 44, United States Code.

(8) "Official investigation" means the reviews of the assassination of President John F. Kennedy conducted by any Presidential commission, any authorized congressional committee, and any Government agency either independently, at the request of any Presidential commission or congressional committee, or at the request of any Government official.

(9) "Originating body" means the Executive agency, government commission, congressional committee, or other governmental entity that created a record or particular information within a record.

(10) "Public interest" means the compelling interest in the prompt public disclosure of assassination records for historical and governmental purposes and for the purpose of fully informing the American people about the history surrounding the assassination of President John F. Kennedy.

(11) "Record" includes a book, paper, map, photograph, sound or video recording, machine readable material, computerized, digitized, or electronic information, regardless of the medium on which it is stored, or other documentary material, regardless of its physical form or characteristics.

(12) "Review Board" means the Assassination Records Review Board established by section 7.

(13) "Third agency" means a Government agency that originated an assassination record that is in the possession of another agency.

SEC. 4. PRESIDENT JOHN F. KENNEDY ASSASSINATION RECORDS COLLECTION AT THE NATIONAL ARCHIVES AND RECORDS ADMINISTRATION. 44 USC 2107 note.

(a) IN GENERAL.—(1) Not later than 60 days after the date of enactment of this Act, the National Archives and Records Administration shall commence establishment of a collection of records to be known as the President John F. Kennedy Assassination Records Collection. In so doing, the Archivist shall ensure the physical integrity and original provenance of all records. The Collection shall consist of record copies of all Government records relating to the assassination of President John F. Kennedy, which shall be transmitted to the National Archives in accordance with section 2107 of title 44, United States Code. The Archivist shall prepare and publish a subject guidebook and index to the collection. Printing.

(2) The Collection shall include—

(A) all assassination records—

(i) that have been transmitted to the National Archives or disclosed to the public in an unredacted form prior to the date of enactment of this Act;

(ii) that are required to be transmitted to the National Archives; or

(iii) the disclosure of which is postponed under this Act;

(B) a central directory comprised of identification aids created for each record transmitted to the Archivist under section 5; and

(C) all Review Board records as required by this Act.

(b) DISCLOSURE OF RECORDS.—All assassination records transmitted to the National Archives for disclosure to the public shall be included in the Collection and shall be available to the public for inspection and copying at the National Archives within 30 days after their transmission to the National Archives.

(c) FEES FOR COPYING.—The Archivist shall—

(1) charge fees for copying assassination records; and

(2) grant waivers of such fees pursuant to the standards established by section 552(a)(4) of title 5, United States Code.

Historic preservation. (d) ADDITIONAL REQUIREMENTS.—(1) The Collection shall be preserved, protected, archived, and made available to the public at the National Archives using appropriations authorized, specified, and restricted for use under the terms of this Act.

(2) The National Archives, in consultation with the Information Security Oversight Office, shall ensure the security of the postponed assassination records in the Collection.

(e) OVERSIGHT.—The Committee on Government Operations of the House of Representatives and the Committee on Governmental Affairs of the Senate shall have continuing oversight jurisdiction with respect to the Collection.

44 USC 2107 note. **SEC. 5. REVIEW, IDENTIFICATION, TRANSMISSION TO THE NATIONAL ARCHIVES, AND PUBLIC DISCLOSURE OF ASSASSINATION RECORDS BY GOVERNMENT OFFICES.**

(a) IN GENERAL.—(1) As soon as practicable after the date of enactment of this Act, each Government office shall identify and organize its records relating to the assassination of President John F. Kennedy and prepare them for transmission to the Archivist for inclusion in the Collection.

(2) No assassination record shall be destroyed, altered, or mutilated in any way.

(3) No assassination record made available or disclosed to the public prior to the date of enactment of this Act may be withheld, redacted, postponed for public disclosure, or reclassified.

(4) No assassination record created by a person or entity outside government (excluding names or identities consistent with the requirements of section 6) shall be withheld, redacted, postponed for public disclosure, or reclassified.

(b) CUSTODY OF ASSASSINATION RECORDS PENDING REVIEW.—During the review by Government offices and pending review activity by the Review Board, each Government office shall retain custody of its assassination records for purposes of preservation, security, and efficiency, unless—

(1) the Review Board requires the physical transfer of records for purposes of conducting an independent and impartial review;

(2) transfer is necessary for an administrative hearing or other Review Board function; or

(3) it is a third agency record described in subsection (c)(2)(C).

(c) REVIEW.—(1) Not later than 300 days after the date of enactment of this Act, each Government office shall review, identify and organize each assassination record in its custody or possession for disclosure to the public, review by the Review Board, and transmission to the Archivist.

(2) In carrying out paragraph (1), a Government office shall—

(A) determine which of its records are assassination records;

(B) determine which of its assassination records have been officially disclosed or publicly available in a complete and unredacted form;

(C)(i) determine which of its assassination records, or particular information contained in such a record, was created by a third agency or by another Government office; and

(ii) transmit to a third agency or other Government office those records, or particular information contained in those records, or complete and accurate copies thereof;

(D)(i) determine whether its assassination records or particular information in assassination records are covered by the standards for postponement of public disclosure under this Act; and

(ii) specify on the identification aid required by subsection (d) the applicable postponement provision contained in section 6;

(E) organize and make available to the Review Board all assassination records identified under subparagraph (D) the public disclosure of which in whole or in part may be postponed under this Act;

(F) organize and make available to the Review Board any record concerning which the office has any uncertainty as to whether the record is an assassination record governed by this Act;

(G) give priority to—

(i) the identification, review, and transmission of all assassination records publicly available or disclosed as of the date of enactment of this Act in a redacted or edited form; and

(ii) the identification, review, and transmission, under the standards for postponement set forth in this Act, of assassination records that on the date of enactment of this Act are the subject of litigation under section 552 of title 5, United States Code; and

(H) make available to the Review Board any additional information and records that the Review Board has reason to believe it requires for conducting a review under this Act.

(3) The Director of each archival depository established under section 2112 of title 44, United States Code, shall have as a priority the expedited review for public disclosure of assassination records in the possession and custody of the depository, and shall make such records available to the Review Board as required by this Act.

(d) IDENTIFICATION AIDS.—(1)(A) Not later than 45 days after the date of enactment of this Act, the Archivist, in consultation with the appropriate Government offices, shall prepare and make available to all Government offices a standard form of identification or finding aid for use with each assassination record subject to review under this Act.

(B) The Archivist shall ensure that the identification aid program is established in such a manner as to result in the creation of a uniform system of electronic records by Government offices that are compatible with each other.

(2) Upon completion of an identification aid, a Government office shall—

(A) attach a printed copy to the record it describes;

(B) transmit to the Review Board a printed copy; and

(C) attach a printed copy to each assassination record it describes when it is transmitted to the Archivist.

(3) Assassination records which are in the possession of the National Archives on the date of enactment of this Act, and which have been publicly available in their entirety without redaction, shall be made available in the Collection without any additional review by the Review Board or another authorized office under this Act, and shall not be required to have such an identification aid unless required by the Archivist.

Public information.

(e) TRANSMISSION TO THE NATIONAL ARCHIVES.—Each Government office shall—

(1) transmit to the Archivist, and make immediately available to the public, all assassination records that can be publicly disclosed, including those that are publicly available on the date of enactment of this Act, without any redaction, adjustment, or withholding under the standards of this Act; and

(2) transmit to the Archivist upon approval for postponement by the Review Board or upon completion of other action authorized by this Act, all assassination records the public disclosure of which has been postponed, in whole or in part, under the standards of this Act, to become part of the protected Collection.

(f) CUSTODY OF POSTPONED ASSASSINATION RECORDS.—An assassination record the public disclosure of which has been postponed shall, pending transmission to the Archivist, be held for reasons of security and preservation by the originating body until such time as the information security program has been established at the National Archives as required in section 4(e)(2).

(g) PERIODIC REVIEW OF POSTPONED ASSASSINATION RECORDS.—(1) All postponed or redacted records shall be reviewed periodically by the originating agency and the Archivist consistent with the recommendations of the Review Board under section 9(c)(3)(B).

(2)(A) A periodic review shall address the public disclosure of additional assassination records in the Collection under the standards of this Act.

Federal Register, publication.

(B) All postponed assassination records determined to require continued postponement shall require an unclassified written description of the reason for such continued postponement. Such description shall be provided to the Archivist and published in the Federal Register upon determination.

(C) The periodic review of postponed assassination records shall serve to downgrade and declassify security classified information.

(D) Each assassination record shall be publicly disclosed in full, and available in the Collection no later than the date that is 25 years after the date of enactment of this Act, unless the President certifies, as required by this Act, that—

(i) continued postponement is made necessary by an identifiable harm to the military defense, intelligence operations, law enforcement, or conduct of foreign relations; and

(ii) the identifiable harm is of such gravity that it outweighs the public interest in disclosure.

(h) FEES FOR COPYING.—Executive branch agencies shall—

(1) charge fees for copying assassination records; and

(2) grant waivers of such fees pursuant to the standards established by section 552(a)(4) of title 5, United States Code.

SEC. 6. GROUNDS FOR POSTPONEMENT OF PUBLIC DISCLOSURE OF RECORDS. 44 USC 2107 note.

Disclosure of assassination records or particular information in assassination records to the public may be postponed subject to the limitations of this Act if there is clear and convincing evidence that—

(1) the threat to the military defense, intelligence operations, or conduct of foreign relations of the United States posed by the public disclosure of the assassination is of such gravity that it outweighs the public interest, and such public disclosure would reveal—

(A) an intelligence agent whose identity currently requires protection;

(B) an intelligence source or method which is currently utilized, or reasonably expected to be utilized, by the United States Government and which has not been officially disclosed, the disclosure of which would interfere with the conduct of intelligence activities; or

(C) any other matter currently relating to the military defense, intelligence operations or conduct of foreign relations of the United States, the disclosure of which would demonstrably impair the national security of the United States;

(2) the public disclosure of the assassination record would reveal the name or identity of a living person who provided confidential information to the United States and would pose a substantial risk of harm to that person;

(3) the public disclosure of the assassination record could reasonably be expected to constitute an unwarranted invasion of personal privacy, and that invasion of privacy is so substantial that it outweighs the public interest;

(4) the public disclosure of the assassination record would compromise the existence of an understanding of confidentiality currently requiring protection between a Government agent and a cooperating individual or a foreign government, and public disclosure would be so harmful that it outweighs the public interest; or

(5) the public disclosure of the assassination record would reveal a security or protective procedure currently utilized, or reasonably expected to be utilized, by the Secret Service or another Government agency responsible for protecting Government officials, and public disclosure would be so harmful that it outweighs the public interest.

SEC. 7. ESTABLISHMENT AND POWERS OF THE ASSASSINATION RECORDS REVIEW BOARD. 44 USC 2107 note.

(a) ESTABLISHMENT.—There is established as an independent agency a board to be known as the Assassinations Records Review Board.

(b) APPOINTMENT.—(1) The President, by and with the advice and consent of the Senate, shall appoint, without regard to political President.

affiliation, 5 citizens to serve as members of the Review Board to ensure and facilitate the review, transmission to the Archivist, and public disclosure of Government records related to the assassination of President John F. Kennedy.

(2) The President shall make nominations to the Review Board not later than 90 calendar days after the date of enactment of this Act.

(3) If the Senate votes not to confirm a nomination to the Review Board, the President shall make an additional nomination not later than 30 days thereafter.

(4)(A) The President shall make nominations to the Review Board after considering persons recommended by the American Historical Association, the Organization of American Historians, the Society of American Archivists, and the American Bar Association.

(B) If an organization described in subparagraph (A) does not recommend at least 2 nominees meeting the qualifications stated in paragraph (5) by the date that is 45 days after the date of enactment of this Act, the President shall consider for nomination the persons recommended by the other organizations described in subparagraph (A).

(C) The President may request an organization described in subparagraph (A) to submit additional nominations.

(5) Persons nominated to the Review Board—

(A) shall be impartial private citizens, none of whom is presently employed by any branch of the Government, and none of whom shall have had any previous involvement with any official investigation or inquiry conducted by a Federal, State, or local government, relating to the assassination of President John F. Kennedy;

(B) shall be distinguished persons of high national professional reputation in their respective fields who are capable of exercising the independent and objective judgment necessary to the fulfillment of their role in ensuring and facilitating the review, transmission to the public, and public disclosure of records related to the assassination of President John F. Kennedy and who possess an appreciation of the value of such material to the public, scholars, and government; and

(C) shall include at least 1 professional historian and 1 attorney.

(c) SECURITY CLEARANCES.—(1) All Review Board nominees shall be granted the necessary security clearances in an accelerated manner subject to the standard procedures for granting such clearances.

(2) All nominees shall qualify for the necessary security clearance prior to being considered for confirmation by the Committee on Governmental Affairs of the Senate.

(d) CONFIRMATION HEARINGS.—(1) The Committee on Governmental Affairs of the Senate shall hold confirmation hearings within 30 days in which the Senate is in session after the nomination of 3 Review Board members.

Reports. (2) The Committee on Governmental Affairs shall vote on the nominations within 14 days in which the Senate is in session after the confirmation hearings, and shall report its results to the full Senate immediately.

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(3) The Senate shall vote on each nominee to confirm or reject within 14 days in which the Senate is in session after reported by the Committee on Governmental Affairs.

(e) VACANCY.—A vacancy on the Review Board shall be filled in the same manner as specified for original appointment within 30 days of the occurrence of the vacancy.

(f) CHAIRPERSON.—The Members of the Review Board shall elect one of its members as chairperson at its initial meeting.

(g) REMOVAL OF REVIEW BOARD MEMBER.—(1) No member of the Review Board shall be removed from office, other than—

(A) by impeachment and conviction; or

(B) by the action of the President for inefficiency, neglect of duty, malfeasance in office, physical disability, mental incapacity, or any other condition that substantially impairs the performance of the member's duties.

(2)(A) If a member of the Review Board is removed from office, and that removal is by the President, not later than 10 days after the removal the President shall submit to the Committee on Government Operations of the House of Representatives and the Committee on Governmental Affairs of the Senate a report specifying the facts found and the grounds for the removal.

(B) The President shall publish in the Federal Register a report submitted under paragraph (2)(A), except that the President may, if necessary to protect the rights of a person named in the report or to prevent undue interference with any pending prosecution, postpone or refrain from publishing any or all of the report until the completion of such pending cases or pursuant to privacy protection requirements in law. Federal Register, publication. President. Reports.

(3)(A) A member of the Review Board removed from office may obtain judicial review of the removal in a civil action commenced in the United States District Court for the District of Columbia.

(B) The member may be reinstated or granted other appropriate relief by order of the court.

(h) COMPENSATION OF MEMBERS.—(1) A member of the Review Board shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the performance of the duties of the Review Board.

(2) A member of the Review Board shall be allowed reasonable travel expenses, including per diem in lieu of subsistence, at rates for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from the member's home or regular place of business in the performance of services for the Review Board.

(i) DUTIES OF THE REVIEW BOARD.—(1) The Review Board shall consider and render decisions on a determination by a Government office to seek to postpone the disclosure of assassination records.

(2) In carrying out paragraph (1), the Review Board shall consider and render decisions—

(A) whether a record constitutes an assassination record; and

(B) whether an assassination record or particular information in a record qualifies for postponement of disclosure under this Act.

(j) POWERS.—(1) The Review Board shall have the authority to act in a manner prescribed under this Act including authority to—

(A) direct Government offices to complete identification aids and organize assassination records;

(B) direct Government offices to transmit to the Archivist assassination records as required under this Act, including segregable portions of assassination records, and substitutes and summaries of assassination records that can be publicly disclosed to the fullest extent;

(C)(i) obtain access to assassination records that have been identified and organized by a Government office;

(ii) direct a Government office to make available to the Review Board, and if necessary investigate the facts surrounding, additional information, records, or testimony from individuals, which the Review Board has reason to believe is required to fulfill its functions and responsibilities under this Act; and

(iii) request the Attorney General to subpoena private persons to compel testimony, records, and other information relevant to its responsibilities under this Act;

(D) require any Government office to account in writing for the destruction of any records relating to the assassination of President John F. Kennedy;

(E) receive information from the public regarding the identification and public disclosure of assassination records; and

(F) hold hearings, administer oaths, and subpoena witnesses and documents.

(2) A subpoena issued under paragraph (1)(C)(iii) may be enforced by any appropriate Federal court acting pursuant to a lawful request of the Review Board.

(k) WITNESS IMMUNITY.—The Review Board shall be considered to be an agency of the United States for purposes of section 6001 of title 18, United States Code.

(l) OVERSIGHT.—(1) The Committee on Government Operations of the House of Representatives and the Committee on Governmental Affairs of the Senate shall have continuing oversight jurisdiction with respect to the official conduct of the Review Board and the disposition of postponed records after termination of the Review Board, and shall have access to any records held or created by the Review Board.

(2) The Review Board shall have the duty to cooperate with the exercise of such oversight jurisdiction.

(m) SUPPORT SERVICES.—The Administrator of the General Services Administration shall provide administrative services for the Review Board on a reimbursable basis.

(n) INTERPRETIVE REGULATIONS.—The Review Board may issue interpretive regulations.

(o) TERMINATION AND WINDING UP.—(1) The Review Board and the terms of its members shall terminate not later than 2 years after the date of enactment of this Act, except that the Review Board may, by majority vote, extend its term for an additional 1-year period if it has not completed its work within that 2-year period.

Reports. (2) Upon its termination, the Review Board shall submit reports to the President and the Congress including a complete and accurate

accounting of expenditures during its existence, and shall complete all other reporting requirements under this Act.

(3) Upon termination and winding up, the Review Board shall transfer all of its records to the Archivist for inclusion in the Collection, and no record of the Review Board shall be destroyed.

44 USC 2107 note.

SEC. 8. ASSASSINATION RECORDS REVIEW BOARD PERSONNEL.

(a) EXECUTIVE DIRECTOR.—(1) Not later than 45 days after the initial meeting of the Review Board, the Review Board shall appoint one citizen, without regard to political affiliation, to the position of Executive Director.

(2) The person appointed as Executive Director shall be a private citizen of integrity and impartiality who is a distinguished professional and who is not a present employee of any branch of the Government and has had no previous involvement with any official investigation or inquiry relating to the assassination of President John F. Kennedy.

(3)(A) A candidate for Executive Director shall be granted the necessary security clearances in an accelerated manner subject to the standard procedures for granting such clearances.

(B) A candidate shall qualify for the necessary security clearance prior to being approved by the Review Board.

(4) The Executive Director shall—

(A) serve as principal liaison to Government offices;

(B) be responsible for the administration and coordination of the Review Board's review of records;

(C) be responsible for the administration of all official activities conducted by the Review Board; and

(D) have no authority to decide or determine whether any record should be disclosed to the public or postponed for disclosure.

(5) The Executive Director shall not be removed for reasons other than by a majority vote of the Review Board for cause on the grounds of inefficiency, neglect of duty, malfeasance in office, physical disability, mental incapacity, or any other condition that substantially impairs the performance of the responsibilities of the Executive Director or the staff of the Review Board.

(b) STAFF.—(1) The Review Board may, in accordance with the civil service laws but without regard to civil service law and regulation for competitive service as defined in subchapter 1, chapter 33 of title 5, United States Code, appoint and terminate additional personnel as are necessary to enable the Review Board and its Executive Director to perform its duties.

(2) A person appointed to the staff of the Review Board shall be a private citizen of integrity and impartiality who is not a present employee of any branch of the Government and who has had no previous involvement with any official investigation or inquiry relating to the assassination of President John F. Kennedy.

(3)(A) A candidate for staff shall be granted the necessary security clearances in an accelerated manner subject to the standard procedures for granting such clearances.

(B) A candidate for the staff shall qualify for the necessary security clearance prior to being approved by the Review Board.

(c) COMPENSATION.—The Review Board shall fix the compensation of the Executive Director and other personnel in accordance with title 5, United States Code, except that the rate of pay for the Executive Director and other personnel may not exceed

the rate payable for level V of the Executive Schedule under section 5316 of that title.

(d) ADVISORY COMMITTEES.—(1) The Review Board shall have the authority to create advisory committees to assist in fulfilling the responsibilities of the Review Board under this Act.

(2) Any advisory committee created by the Review Board shall be subject to the Federal Advisory Committee Act (5 U.S.C. App.).

44 USC 2107 note.

SEC. 9. REVIEW OF RECORDS BY THE ASSASSINATION RECORDS REVIEW BOARD.

(a) CUSTODY OF RECORDS REVIEWED BY BOARD.—Pending the outcome of the Review Board's review activity, a Government office shall retain custody of its assassination records for purposes of preservation, security, and efficiency, unless—

(1) the Review Board requires the physical transfer of records for reasons of conducting an independent and impartial review; or

(2) such transfer is necessary for an administrative hearing or other official Review Board function.

Federal Register, publication.

(b) STARTUP REQUIREMENTS.—The Review Board shall—

(1) not later than 90 days after the date of its appointment, publish a schedule for review of all assassination records in the Federal Register; and

(2) not later than 180 days after the date of enactment of this Act, begin its review of assassination records under this Act.

(c) DETERMINATIONS OF THE REVIEW BOARD.—(1) The Review Board shall direct that all assassination records be transmitted to the Archivist and disclosed to the public in the Collection in the absence of clear and convincing evidence that—

(A) a Government record is not an assassination record; or

(B) a Government record or particular information within an assassination record qualifies for postponement of public disclosure under this Act.

(2) In approving postponement of public disclosure of an assassination record, the Review Board shall seek to—

(A) provide for the disclosure of segregable parts, substitutes, or summaries of such a record; and

(B) determine, in consultation with the originating body and consistent with the standards for postponement under this Act, which of the following alternative forms of disclosure shall be made by the originating body:

(i) Any reasonably segregable particular information in an assassination record.

(ii) A substitute record for that information which is postponed.

(iii) A summary of an assassination record.

(3) With respect to each assassination record or particular information in assassination records the public disclosure of which is postponed pursuant to section 6, or for which only substitutions or summaries have been disclosed to the public, the Review Board shall create and transmit to the Archivist a report containing—

(A) a description of actions by the Review Board, the originating body, the President, or any Government office (including a justification of any such action to postpone disclosure of any record or part of any record) and of any official proceedings

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conducted by the Review Board with regard to specific assassination records; and

(B) a statement, based on a review of the proceedings and in conformity with the decisions reflected therein, designating a recommended specified time at which or a specified occurrence following which the material may be appropriately disclosed to the public under this Act.

(4)(A) Following its review and a determination that an assassination record shall be publicly disclosed in the Collection or postponed for disclosure and held in the protected Collection, the Review Board shall notify the head of the originating body of its determination and publish a copy of the determination in the Federal Register within 14 days after the determination is made. Federal Register, publication.

(B) Contemporaneous notice shall be made to the President for Review Board determinations regarding executive branch assassination records, and to the oversight committees designated in this Act in the case of legislative branch records. Such notice shall contain a written unclassified justification for public disclosure or postponement of disclosure, including an explanation of the application of any standards contained in section 6.

(d) PRESIDENTIAL AUTHORITY OVER REVIEW BOARD DETERMINATION.—

(1) PUBLIC DISCLOSURE OR POSTPONEMENT OF DISCLOSURE.—After the Review Board has made a formal determination concerning the public disclosure or postponement of disclosure of an executive branch assassination record or information within such a record, or of any information contained in an assassination record, obtained or developed solely within the executive branch, the President shall have the sole and nondelegable authority to require the disclosure or postponement of such record or information under the standards set forth in section 6, and the President shall provide the Review Board with an unclassified written certification specifying the President's decision within 30 days after the Review Board's determination and notice to the executive branch agency as required under this Act, stating the justification for the President's decision, including the applicable grounds for postponement under section 6, accompanied by a copy of the identification aid required under section 4.

(2) PERIODIC REVIEW.—Any executive branch assassination record postponed by the President shall be subject to the requirements of periodic review, downgrading and declassification of classified information, and public disclosure in the collection set forth in section 4.

(3) RECORD OF PRESIDENTIAL POSTPONEMENT.—The Review Board shall, upon its receipt, publish in the Federal Register a copy of any unclassified written certification, statement, and other materials transmitted by or on behalf of the President with regard to postponement of assassination records. Federal Register, publication.

(e) NOTICE TO PUBLIC.—Every 30 calendar days, beginning on the date that is 60 calendar days after the date on which the Review Board first approves the postponement of disclosure of an assassination record, the Review Board shall publish in the Federal Register a notice that summarizes the postponements approved by the Review Board or initiated by the President, the House of Representatives, or the Senate, including a description Federal Register, publication.

of the subject, originating agency, length or other physical description, and each ground for postponement that is relied upon.

(f) REPORTS BY THE REVIEW BOARD.—(1) The Review Board shall report its activities to the leadership of the Congress, the Committee on Government Operations of the House of Representatives, the Committee on Governmental Affairs of the Senate, the President, the Archivist, and the head of any Government office whose records have been the subject of Review Board activity.

(2) The first report shall be issued on the date that is 1 year after the date of enactment of this Act, and subsequent reports every 12 months thereafter until termination of the Review Board.

(3) A report under paragraph (1) shall include the following information:

(A) A financial report of the expenses for all official activities and requirements of the Review Board and its personnel.

(B) The progress made on review, transmission to the Archivist, and public disclosure of assassination records.

(C) The estimated time and volume of assassination records involved in the completion of the Review Board's performance under this Act.

(D) Any special problems, including requests and the level of cooperation of Government offices, with regard to the ability of the Review Board to operate as required by this Act.

(E) A record of review activities, including a record of postponement decisions by the Review Board or other related actions authorized by this Act, and a record of the volume of records reviewed and postponed.

(F) Suggestions and requests to Congress for additional legislative authority needs.

(G) An appendix containing copies of reports of postponed records to the Archivist required under section 9(c)(3) made since the date of the preceding report under this subsection.

(4) At least 90 calendar days before completing its work, the Review Board shall provide written notice to the President and Congress of its intention to terminate its operations at a specified date.

44 USC 2107 note.

SEC. 10. DISCLOSURE OF OTHER MATERIALS AND ADDITIONAL STUDY.

(a) MATERIALS UNDER SEAL OF COURT.—

(1) The Review Board may request the Attorney General to petition any court in the United States or abroad to release any information relevant to the assassination of President John F. Kennedy that is held under seal of the court.

(2)(A) The Review Board may request the Attorney General to petition any court in the United States to release any information relevant to the assassination of President John F. Kennedy that is held under the injunction of secrecy of a grand jury.

(B) A request for disclosure of assassination materials under this Act shall be deemed to constitute a showing of particularized need under Rule 6 of the Federal Rules of Criminal Procedure.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that—

(1) the Attorney General should assist the Review Board in good faith to unseal any records that the Review Board

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determines to be relevant and held under seal by a court or under the injunction of secrecy of a grand jury;

(2) the Secretary of State should contact the Government of the Republic of Russia and seek the disclosure of all records of the government of the former Soviet Union, including the records of the Komitet Gosudarstvennoy Bezopasnosti (KGB) and the Glavnoye Razvedyvatelnoye Upravleniye (GRU), relevant to the assassination of President Kennedy, and contact any other foreign government that may hold information relevant to the assassination of President Kennedy and seek disclosure of such information; and

(3) all Executive agencies should cooperate in full with the Review Board to seek the disclosure of all information relevant to the assassination of President John F. Kennedy consistent with the public interest.

SEC. 11. RULES OF CONSTRUCTION. 44 USC 2107 note.

(a) PRECEDENCE OVER OTHER LAW.—When this Act requires transmission of a record to the Archivist or public disclosure, it shall take precedence over any other law (except section 6103 of the Internal Revenue Code), judicial decision construing such law, or common law doctrine that would otherwise prohibit such transmission or disclosure, with the exception of deeds governing access to or transfer or release of gifts and donations of records to the United States Government.

(b) FREEDOM OF INFORMATION ACT.—Nothing in this Act shall be construed to eliminate or limit any right to file requests with any executive agency or seek judicial review of the decisions pursuant to section 552 of title 5, United States Code.

(c) JUDICIAL REVIEW.—Nothing in this Act shall be construed to preclude judicial review, under chapter 7 of title 5, United States Code, of final actions taken or required to be taken under this Act.

(d) EXISTING AUTHORITY.—Nothing in this Act revokes or limits the existing authority of the President, any executive agency, the Senate, or the House of Representatives, or any other entity of the Government to publicly disclose records in its possession.

(e) RULES OF THE SENATE AND HOUSE OF REPRESENTATIVES.—To the extent that any provision of this Act establishes a procedure to be followed in the Senate or the House of Representatives, such provision is adopted—

(1) as an exercise of the rulemaking power of the Senate and House of Representatives, respectively, and is deemed to be part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House, and it supersedes other rules only to the extent that it is inconsistent with such rules; and

(2) with full recognition of the constitutional right of either House to change the rules (so far as they relate to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

SEC. 12. TERMINATION OF EFFECT OF ACT. 44 USC 2107 note.

(a) PROVISIONS PERTAINING TO THE REVIEW BOARD.—The provisions of this Act that pertain to the appointment and operation of the Review Board shall cease to be effective when the Review Board and the terms of its members have terminated pursuant to section 7(o).

(b) OTHER PROVISIONS.—The remaining provisions of this Act shall continue in effect until such time as the Archivist certifies to the President and the Congress that all assassination records have been made available to the public in accordance with this Act.

44 USC 2107 note. SEC. 13. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated such sums as are necessary to carry out this Act, to remain available until expended.

(b) INTERIM FUNDING.—Until such time as funds are appropriated pursuant to subsection (a), the President may use such sums as are available for discretionary use to carry out this Act.

44 USC 2107 note. SEC. 14. SEVERABILITY.

If any provision of this Act or the application thereof to any person or circumstance is held invalid, the remainder of this Act and the application of that provision to other persons not similarly situated or to other circumstances shall not be affected by the invalidation.

Approved October 26, 1992.

LEGISLATIVE HISTORY—S. 3006 (H.J. Res. 454):

HOUSE REPORTS: No. 102-625, Pt. 1 (Comm. on Government Operations) and Pt. 2 (Comm. on the Judiciary) both accompanying H.J. Res. 454.
SENATE REPORTS: No. 102-328 (Comm. on Governmental Affairs).
CONGRESSIONAL RECORD, Vol. 138 (1992):
July 27, considered and passed Senate.
Aug. 11, 12, H.J. Res. 454 considered and passed House.
Sept. 30, S. 3006 considered and passed House.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 28 (1992):
Oct. 26, Presidential statement.

Exhibit H

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Names thru 1986
Name: LONNQUIST, Gary M.
Component: DA OC
Type: 37/77 [redacted]
Complaint: Allegations regarding Lee Harvey OSWALD file.
Referred to IG by: [redacted]
Date Opened: 29 March 1977
Date Opened mm/dd/yy: / /
Date Closed: 31 May 1977
Date Closed mm/dd/yy: / /
Inspectors: Cox
Category:
Spec Cons:
Action:
Was lower resolution possible?:
Was grievant satisfied?:
Case Referred to:
Report Sent to:
Did OGC refer case to DOJ?:

Did DOJ decide to prosecute?:
Record Center Job Number: 80-01770R
Box: 2
Comments:

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Names thru 1986
Name: MORRISON Langdon
Component: DS&T OTS, On assignment to DO SE Moscow
Type: IG 21/86
Complaint: Allegation of misconduct. Possible unauthorized outside activity a
t Moscow Station. Misuse of Station OTS supplies for own financia
l gain.

Referred to IG by:
Date Opened: 17 October 1986
Date Opened mm/dd/yy: 10/17/86
Date Closed: 12 December 1986
Date Closed mm/dd/yy: 12/12/86
Inspectors: Neal
Category: CRIMINAL & PROHIBITED ACTS, Conflict of Interest, Theft & Misuse
Spec Cons: CROSS REF: *LONNQUIST* Gary OGILVIE Jeff
Action:
Was lower resolution possible?:
Was grievant satisfied?:
Case Referred to:
Report Sent to:
Did OGC refer case to DOJ?:
Did DOJ decide to prosecute?:
Record Center Job Number: 89B01070R
Box: 2
Comments:

Names thru 1986
Name: LONNQUIST Gary
Component:
Type: IG 21/86
Complaint: CROSS REF: MORRISON Langdon OGILVIE Jeff
Referred to IG by:
Date Opened:
Date Opened mm/dd/yy: / /
Date Closed:
Date Closed mm/dd/yy: / /
Inspectors:
Category:
Spec Cons:
Action:
Was lower resolution possible?:
Was grievant satisfied?:
Case Referred to:
Report Sent to:
Did OGC refer case to DOJ?:
Did DOJ decide to prosecute?:
Record Center Job Number:
Box:
Comments: